

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANK LUCIDO, et al.,

Plaintiffs,

v.

NESTLE PURINA PET CARE COMPANY,

Defendant.

Case No. 15-cv-00569-EMC

**ORDER DENYING DEFENDANT'S
MOTION TO STRIKE THE
SUPPLEMENTAL EXPERT REPORT
OF DR. JENA QUESTEN**

Docket No. 109

Defendant Nestle Purina Pet Care Company ("Purina") has filed a motion to strike the supplemental expert report of Dr. Jena Questen. A hearing was held on the motion on September 15, 2016. As the Court indicated at the hearing, Purina's motion to strike is **DENIED**. However, the Court shall permit Purina to take a second deposition of Dr. Questen. The deposition shall be telephonic, shall be limited in subject matter to the new matters raised in the supplemental report, shall be no longer than (approximately) 90 minutes in length, and shall be taken no later than September 22, 2016. Costs related to the deposition (other than attorney's fees) shall be borne by Plaintiffs. Purina shall have until (1) three (3) days after the deposition to file its reply brief in support of its motion to exclude Dr. Questen (*see* Docket No. 110), or (2) by September 22, 2016, whichever is later.

IT IS SO ORDERED.

Dated: September 16, 2016



EDWARD M. CHEN
United States District Judge